

REPORT - PLANNING COMMISSION MEETING
September 12, 2002

Project Name and Number: Niles Canyon Road State Scenic Highway Designation (PLN2002-00175)

Applicant: City of Fremont in conjunction with the City of Union City and Alameda County

Proposal: To request that Niles Canyon Road from Mission Boulevard to Interstate 680 be designated as a State Scenic Highway.

Recommended Action: Accept report.

Location: Niles Canyon Road (portion of Route 84) from Mission Boulevard to Interstate 680

Owner: Cities of Fremont and Union City and County of Alameda

Agent of Applicant: Lisa Asche, Planner with Alameda County

Consultant(s): Jay Claiborne, Consultant

Environmental Review: The State of California Department of Transportation is the lead agency for environmental review.

Existing General Plan: Land use designations are listed in order of occurrence beginning from Mission Boulevard to the City limit line: Gateway Designation, Historic Resource, Institutional Open Space, Park, Trailhead (Vallejo Mills) Neighborhood Commercial, Medium Density Residential (6.5-10 du/acre), Low Density Residential (5-7 du/acre), Hill Face Open Space, Open Space, Trailhead, Historic Resource (Mission Clay) and Gateway Designation.

Existing Zoning: Zoning designations are listed in order of occurrence beginning from Mission Boulevard to the City limit line: O-S, Institutional Open Space; P-2001-9(H), Planned District for former Big Daddy's site; R-1-8(H-I), Single Family Residential(Hillside Combining), O-S(F), Open Space(Flood Combining), O-S(R), Hill Face Open Space (Development Reserve Overlay) and O-S (Open Space).

Existing Land Use: Vallejo Mills Historical Park, vacant commercial site, Single family homes, vacant open land, Alameda Creek and the site of former Mission Clay facility.

Public Notification: A courtesy notice was mailed to 20 owners and occupants of property within 300 feet of the Niles Canyon Road within Fremont's jurisdiction. The notices to owners and occupants were mailed on August 30, 2002. A Public Notice was delivered to The Argus on August 28, 2002 to be published by August 31, 2002.

Executive Summary: The purpose of this report is to provide the Planning Commission with an update on the Niles Canyon Scenic Highway designation process.

Background and Previous Actions: In 1989, Assemblywoman Delaine Eastin sponsored and achieved passage of Assembly Bill 815, which designated Niles Canyon Road (State Route 84), between Mission Boulevard and Interstate 680, as eligible for official designation as a State Scenic Highway. In 1991 the Fremont City Council adopted Resolution 8173 declaring its intent to initiate State Scenic Highway Designation for a portion of State Route 84 (Niles Canyon Road). The City of Union City and the County of Alameda adopted similar resolutions of intent for their portions of Niles Canyon Road. The three agencies applied for and received a grant from the State Department of Transportation (Caltrans) to cover the costs of the application procedure.

Through the years, the cities and county have developed a preliminary application for consideration by the State. The preliminary application was formally submitted to the State this summer. An initial review of the application package by the State found the application complete but the State questioned the age of the city and county resolutions and requested that the cities and county reaffirm their interest in proceeding with the State Highway designation by adopting new resolutions.

The Process: Following this meeting, the City Council will be asked to adopt a new Resolution of Intent. Upon receipt of the new resolutions, the State will complete its review of the preliminary application. If the preliminary application is approved, a final application, including an adopted Scenic Corridor Protection Plan, will be submitted to Caltrans for final review and approval. The Scenic Corridor Protection Plan will include adopted ordinances designed to address the type and extent of land uses permitted within the corridor while retaining its scenic views. For Fremont these will include the various land use and zoning provisions contained within the City's Open Space and Residential Districts as well as the recently adopted Planned District for the former Big Daddy's commercial site along with the Hillside, Historic, Flood Combining District provisions. In addition, the Protection Plan will include the City's General Plan policies, grading ordinance and wireless telecommunication policies.

General Plan Conformance: The General Plan contains several policies within the Land Use, Open Space and Natural Resource Elements that are applicable to the protection of land with the Niles Canyon Road corridor. These policies have been attached as an enclosure. In addition, the City has recently adopted the "Gateway Designation" at the intersection of Mission Boulevard and Niles Canyon Road, while retaining the Gateway Designation at the City limit line.

Zoning Regulations: Applicable zoning regulations include the Floodway, Development Reserve Overlay and Hillside Combining District regulations as well as the base zoning requirements.

Response from Agencies and Organizations: The City of Union City and Alameda County will be coordinating similar efforts to update their resolutions of intent so that the application to the State may be completed.

Community Involvement: Most recently (November of 2001) the County hosted a community meeting in Sunol to discuss the pending application to the State. The meeting primarily clarified the intent of the application, answered questions and confirmed interest in proceeding with the designation of Niles Canyon Road as a State Scenic Highway.

Enclosures: Vicinity map
Topographic map
Prior Resolution of Intent
General Plan Policy Framework for Niles Canyon Road

Recommended Actions:

Accept report.